



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

Ref: 8ENF-L

November 10, 2015

**VIA CERTIFIED MAIL # 7009 3410 0000 2600 4536**  
**RETURN RECEIPT REQUESTED**  
**EMAIL ([lawbydave@gmail.com](mailto:lawbydave@gmail.com))**

Dave Cook, Esq.  
David A. Cook, P.C.  
6 South Tejon Street, Suite 400  
Colorado Springs, Colorado 80903

Re: Access to the Herbert Placer, Anglo Saxon, and Harrison Millsite

Dear Mr. Cook:

Thank you for taking the time on Monday, November 2, 2015, to come to the EPA's offices with your client, Todd Hennis, to meet and discuss the EPA's request for extension of the existing consent for access for activities related to the Gold King Mine release on various properties owned by Mr. Hennis, individually, and Mr. Hennis' corporations, San Juan Corp. and Salem Minerals, Inc. In those discussions, Mr. Hennis agreed to extend the present consent for access which covers the August 4, 2014 to December 31, 2015 period for all claims that make up the Gold King and Mogul Mine properties. We sincerely appreciate Mr. Hennis' cooperation in this regard. Attached is a listing of the Gold King and Mogul Mine properties and a consent for access extending the EPA's access to those properties until December 31, 2016.

Regarding the Herbert Placer, Anglo Saxon, and Harrison Millsite properties, Mr. Hennis declined to extend access beyond December 31, 2015 but stated that he is willing to allow the EPA access under a lease, specific terms to be negotiated, at a rate of \$10,000 per month. The EPA cannot agree to this proposal.

As you and Mr. Hennis are aware, under the current consent for access, the EPA, at substantial cost and effort, constructed an interim water treatment facility on the Herbert Placer. The water treatment facility is needed to treat the acid mine discharge from the Gold King Mine as an interim measure until the EPA can fully assess the cause, potential impacts, and how best to address the increased flow from the mine. As part of its response to the August 5, 2015 release, the EPA determined that the Gladstone area within the Harrison Millsite, Anglo Saxon claim, and Herbert Placer provided the optimal location for the interim water treatment facility. That location offered the best combination of accessibility (maintained County road through the winter), existing power infrastructure close at hand, existing site conditions that minimize construction time and costs (size of the properties and the properties were fairly flat), and site improvements that could be used as part of the mine water management systems.

The EPA has worked with Mr. Hennis in the past and hopes to be able to do so going forward. For example, the EPA will spend additional funds bringing electric power to the Herbert Placer and may

make other improvements to the properties. The EPA is willing to discuss arrangements with you to leave those improvements in place, if Mr. Hennis so chooses, once the EPA's use of the properties is completed. Also, the EPA is open to addressing restoration matters so that the properties will be left in a suitable condition for your use once the response actions are complete.

Because the interim treatment facilities located on these properties are necessary to continue to treat the increased acid mine drainage from the Gold King Mine, the EPA is requesting by this letter that Mr. Hennis reconsider his position and voluntarily, without fee, consent to the EPA access to these properties. Attached to this letter is a consent for access to the Herbert Placer, Anglo Saxon, and Harrison Millsite properties which will allow the EPA to continue its water treatment activities on those properties until December 31, 2016. **If the EPA does not hear from Mr. Hennis within 7 days of receipt of this letter, the EPA will consider that a denial of this request for access and the EPA will seek to gain access using its legal authorities.**

I am sending this directly to your client, Mr. Hennis, by certified mail, return receipt requested and by email because of the time critical nature of resolving access at these properties.

If you have question, please do not hesitate to give me a call at 303-312-6638.

Sincerely,



Richard Sisk, Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: Todd Hennis, (via certified mail # 7009 3410 0000 2600 4529/return receipt requested and email [mogul1882@yahoo.com](mailto:mogul1882@yahoo.com)) with enclosures  
Steve Way, 8EPR-ER without enclosures  
John Moscato, USDOJ with enclosures



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**CONSENT FOR ACCESS TO PROPERTY**

**Name:** Todd Hennis, individually, San Juan Corp., and Salem Minerals, Inc.

**Location of Property:** Claims associated with the Gold King Mine, the Mogul–Grand Mogul Mine, and Red and Bonita Mine included on the attached Exhibit A.

I hereby give my consent, through December 2016, to officers, employees, authorized representatives and contractors of the U.S. Environmental Protection Agency (EPA), U.S. Department of Interior - Bureau of Land Management (BLM), U.S. Department of Agriculture - Forest Service (FS), and the State of Colorado entering and having continued access to the above referenced property for the following purposes:

1. Conducting field inspections and investigations to evaluate the mine waste, adit discharges and related seepage, and the associated impacted lands;
2. Sampling and monitoring water, soil, and mine waste material from waste rock dumps, tailings impoundments, and mine workings or other areas as necessary to evaluate releases of hazardous substances;
3. Constructing, operating, and maintaining the mine water management system; and
4. Any other actions the EPA determines are necessary to address releases from the Gold King Mine, Mogul–Grand Mogul Mine, or Red and Bonita Mine.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), as amended, 42 U.S.C. §§ 9601 *et seq.*

\_\_\_\_\_  
Todd Hennis  
San Juan Corp.  
Salem Minerals, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number



## Exhibit A

| Owner                | Claim Name                 | Mineral Survey No. | Parcel No.     | Current Deed     | Associated Mine   |
|----------------------|----------------------------|--------------------|----------------|------------------|-------------------|
| HENNIS, TODD C.      | BIG AMERICA                | 17472              | 47750170050007 | R140962          | MOGUL-GRAND MOGUL |
| HENNIS, TODD C.      | BLACK CAT                  | 17975              | 47750210050028 | R143932          | MOGUL-GRAND MOGUL |
| HENNIS, TODD C.      | HOLY CROSS                 | 17975              | 47750170050007 | R140962          | MOGUL-GRAND MOGUL |
| HENNIS, TODD C.      | SAMPSON MILLSITE           | 1618 B             | 47750160050014 | R144668          | GOLD KING         |
| HENNIS, TODD C.      | SAMPSON NO. 2 MILLSITE     | 1619 B             | 47750160050014 | R144668          | GOLD KING         |
| HENNIS, TODD C.      | SUCCESS PLACER             | 1914               | 47750160050014 | R144668          | GOLD KING         |
| SALEM MINERALS, INC. | THERESA MILLSITE           | 15968 B            | 47750090050081 | R147489          | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | A.P. HILL                  | 1922               | 47750160050027 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | ALICE                      | 17371              | 47750160050027 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | AMERICAN                   | 14704              | 47750150050009 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | CALUMETE                   | 1203               | 47750100050009 | R139491, R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | CAUCASUS                   | 468                | 47750150050009 | R139491, R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | CROSS CUT AND NARROW GAUGE | 16523              | 47750100050009 | R139491, R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | E. PLURIBUS                | 520                | 47750090050008 | R139490, R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | GOLD KING                  | 5689               | 47750150050009 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING EXTENSION        | 19965              | 47750150050003 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING EXTENSION NO. 1  | 19965              | 47750150050003 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING EXTENSION NO. 3  | 19965              | 47750150050003 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING NO. 1            | 14707              | 47750150050009 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING NO. 2            | 11640              | 47750150050009 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOLD KING NO. 3            | 14709              | 47750150050009 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GOVERNOR                   | 17371              | 47750160050027 | R144657          | GOLD KING         |
| SAN JUAN CORPORATION | GRAND MOGUL                | 521                | 47750100050009 | R139491, R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | HOFFMAN                    | 5782               | 47750160050019 | R144657          | RED AND BONITA    |
| SAN JUAN CORPORATION | I.X.L.                     | 1923               | 47750160050027 | R144657          | GOLD KING         |

| Owner                | Claim Name              | Mineral Survey No. | Parcel No.     | Current Deed        | Associated Mine   |
|----------------------|-------------------------|--------------------|----------------|---------------------|-------------------|
| SAN JUAN CORPORATION | LIBBIE BAUDER           | 14704              | 47750150050009 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | LIBBIE BAUDER EXTENSION | 17371              | 47750160050027 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | M.E. HARRISON           | 469 (west half)    | 47750100050009 | R139491             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | N.G.                    | 466                | 47750100050013 | R144509             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | PAUL                    | 2387 A             | 47750160050007 | R145731             | GOLD KING         |
| SAN JUAN CORPORATION | PORTLAND CONSOLIDATED   | 13330              | 47750160050019 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | ROB THE RANTER          | 778                | 47750090050014 | R144508             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | ROSS                    | 491                | 47750100050013 | R144509             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | SAMPSON                 | 1618 A             | 47750150050009 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | SAMPSON NO. 2           | 1619 A             | 47750160050027 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | SIDE DISH               | 5475               | 47750090050014 | R144508             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | SUNSHINE                | 14704              | 47750160050027 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | THERESA                 | 15968 A            | 47750090050008 | R139490,<br>R144776 | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | WATERVILLE              | 14704              | 47750150050009 | R144657             | GOLD KING         |
| SAN JUAN CORPORATION | WINCHESTER              | 467                | 47750100050013 | R144509             | MOGUL-GRAND MOGUL |
| SAN JUAN CORPORATION | YOUNG                   | 16523              | 47750090050008 | R139490,<br>R144776 | MOGUL-GRAND MOGUL |



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**Location of Property:** Herbert Placer, Anglo Saxon Claim, and Harrison Millsite

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3. Constructing, operating, and maintaining the mine water management system, including but not limited to pipelines, treatment/settling ponds and interim water treatment facility; and
4. Any other actions the EPA determines are necessary to address releases from the Gold King Mine.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), as amended, 42 U.S.C. §§ 9601 et seq.

\_\_\_\_\_  
Todd Hennis

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Date

\_\_\_\_\_  
Phone Number

